



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2018

CORAM

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THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.(MD)No.3726 of 2013
and
M.P.(MD)Nos.1 and 2 of 2013

M/s.Unik Traders,
No.140, Old Tharagupet,
Bangalore-560 053,
Represented by its partner,
Shri Hanif Thara.

... Petitioner

-Vs-

1.The Commissioner of Customs,
Custom House, New Harbour Estate,
Tuticorin - 628 004.

2.The Assistant Commissioner of Customs,
Arrears Recovery Cell, Office of the Commissioner of Customs,
Customs House, New Harbour Estate,
Tuticorin - 628 004.

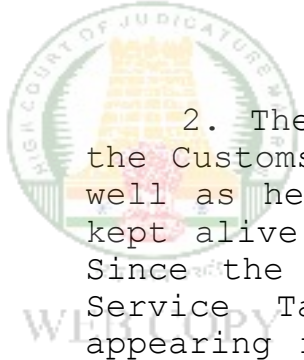
3.The Manager,
Tamil Nadu Mercantile Bank,
Bangalore City Branch,19F, Abhinay Theatre Complex,
BVK Iyyangar Road, Bangalore - 560 009. ...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the record of the 2nd respondent in C.No.VIII/48/162/2013- Arrears dated 06.03.2013, quash the same and further forbear the Respondents from encashing Bank Guarantee Nos. 044BG130404 ;044BG130405 and 044BG130406 all dated 07.02.2013, for a total amount of Rs.40 lakhs issued by the 3rd Respondent.

For Petitioner : Mr.B.Satish Sundar
For R-1 & R-2 : Mr.S.Gurumoorthy
For R-3 : No appearance

ORDER

The petitioner has filed this writ petition challenging the order invoking the bank guarantee dated 06.03.2013.



2. The petitioner has challenged the order in original before the Customs, Excise and Service Tax Appellate Tribunal, Chennai, as well as he has executed a bank Guarantee as Rs.40 Lakhs, which is kept alive during the pendency of the appeal in C / 40962 / 2013. Since the matter has been seized of by the Customs, Excise and Service Tax Appellate Tribunal, Chennai, the learned counsel appearing for the petitioner submits that he will contest the case before the Customs, Excise and Service Tax Appellate Tribunal, Chennai.

3. Recording the above said submission of the learned counsel appearing for the petitioner, this Writ Petition is closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

+1CC to Mr.M.Ramasamy Advocate in SR.No.68560.

SM
DS/SKN-RSK/SAR-1 :02.07.2018: 2P/2C

Order made in
W.P. (MD) No.3726 of 2013
14.06.2018